



AGENDA

GILA COUNTY PLANNING AND ZONING COMMISSION

Gila County Supervisors Conference Room

610 E. State Hwy 260, Payson, AZ

Community Development Conference Room

745 N. Rose Mofford Way, Globe, AZ

10:00 AM

October 18, 2018

REGULAR MEETING

1. Call to Order
2. Pledge of Allegiance
3. Roll Call: Mickie Nye-Chairman, Bill Marshall, Mary Lou Myers, Randy Slapnicka, Travis Holder-Vice Chairman, Terry Otts, Lori Brown
4. Review and Approval of Minutes of the Planning & Zoning Commission Hearing on June 21, 2018.
5. Approval of 2019 Calendar (Meeting dates).
6. **Director/Planner Communication:**

At any time during this meeting of the Planning and Zoning Commission the Director and/or Planner of Community Development may present a brief summary of current events. No action may be taken.

Public Hearings:

7. **Z-18-05 Mark Kile:** An application to amend the Gila County Zoning Ordinance for parcel 304-30-001J currently designated for GR (General Rural District) to RR (Rural Residential District), allowing the applicant to split their parcel. This property is located at 222 W. H Bar Ranch Rd. in Payson, AZ.
8. **Michelle Dahlke:** Amendments to the Gila County Zoning Ordinance; to discuss and make a recommendation to the Board of Supervisors, amendments to Section 103 of the Gila County Zoning Ordinance 2015-04, regarding general stipulations and provisions.
9. Adjournment



**MINUTES OF THE GILA COUNTY
PLANNING AND ZONING COMMISSION**

Thursday, June 21, 2018

Gila County Board of Supervisors Conference Room
610 E. State Hwy 260, Payson, AZ

Gila County Board of Supervisors Hearing Room
1400 E. Ash Street, Globe, AZ
10:00 A.M.

REGULAR MEETING

1. The meeting was called to order at 10:05 A.M. by Chairman Mickie Nye.
2. Pledge of Allegiance was led by Mary Lou Myers.
3. Roll Call: Therese Berumen called the roll; Chairman Mickie Nye (in Payson), Travis Holder (in Globe), Lori Brown (in Payson), Bill Marshall (in Globe), Mary Lou Myers (in Payson) and Randy Slapnicka (in Payson). Terry Otts was absent. A quorum is present.

Community Development Staff Members Present: Scott Buzan-Director, Michelle Dahlke-Senior Planner and Therese Berumen-Administrative Assistant.

4. Review and Approval of Minutes of the Planning and Zoning Commission Hearing on May 17, 2018. Mickie Nye asked if there were any changes needed. Bill Marshall motioned that the minutes be approved as recorded and Randy Slapnicka seconded the motion. It was unanimously approved.
5. **Director/Planner Communication:** At any time during this meeting of the Planning and Zoning Commission, the Director and/or Planner of Community Development may present a brief summary of current events. No action may be taken.

Scott Buzan stated that he and the Community Development staff would like to thank the members of the Planning & Zoning Commission for their involvement. They volunteer their time every month to sit on what I consider to be a very important commission. Also, we would like to thank the public that is in attendance today, that took the time to make their views known to us, either by email, telephone, U.S. mail or even a petition. He also formally introduced Community Development's new Senior Planner, Michelle Dahlke.

Public Hearings:

6. **Z-18-02 Carson Eilers:** An application to amend the Gila County Zoning Ordinance for parcel 301-10-018 and 301-10-019 currently designated for C2 (Commercial Two District) to C3 (Commercial Three District) with a T overlay, allowing the applicant to have an 8 or 9 park model rental park. This property is currently vacant and located in Strawberry, AZ.

Michelle Dahlke stated that they recommend tabling this item, which is at the request of the applicant. He would like more time to research this project.

Randy Slapnicka motioned that they table the application, Z-18-02, which was a request by the applicant. The motion was seconded by Lori Brown. The motion was unanimously approved.

Agenda Item 11 was moved, with the remaining agenda items to follow.

7. **Z-18-04 Pine Creek Resort/Ray Pugel:** An application to amend the Gila County Zoning Ordinance for parcel 301-19-019Y currently designated for R3 with PAD (Residence Three District) to TR (Transitional Residential) with a T overlay, allowing the applicant to have a park model park. This property is currently vacant and located in Pine, AZ.

Michelle Dahlke stated that this was a request, by the applicant, to rezone a property to TR with an T overlay in order to develop a 41-space park model park on Old County Road. We do recognize that we have a lot of opposition for this application and think it would be best to have the applicant, Ray Pugel come up and share his presentation with everyone. Mr. Pugel stated that the property is already zoned for 40 condominiums. We are requesting to change the zoning to build a 41-space, possibly a 38-space park model park similar to what Pine Creek Resort is currently. Some items that would make this new proposal advantageous would be: Park Models use less water than condominiums, Park Models have only 1 bedroom, less traffic, no rentals, an onsite manager and condominiums have the potential of being 3 stories high. The public areas of concern are: taxes, sewage disposal, impact on fire department, impact on sheriff's department, drainage impact, water resources, animal fragrance, traffic, noise, lighting and aesthetics. In reference to taxes, Pine Creek Resort residents will contribute to almost \$50,000 in Gila County property taxes this year, which benefits Pine schools, PSWID, sheriff's department, etc. In reference to sewage disposal, we have grave concerns in this area as well, especially with the what the cost will be. After this system is put in, it will be cleaner than any septic system in Pine or Strawberry because of the nitrate filter that will be installed. It keeps it from polluting any ground water. In reference to water resources, the park pays commercial water rates, which is higher than residential rates and less water usage than condos or single-family residential. We also have a "Will Serve" letter from PSWID. In reference to drainage, we are mandated by the County to keep the drainage off of a developed project as close to pre-existing and pre-developed conditions as possible, which means peak flows are not increased. In reference to the fire department impact, the roof and siting on the models in Pine Creek Resort are fire resistant, with metal roofs. The fire department will more than likely require us to have a fire hydrant or two, which we will gladly install. In reference to animal control, we have rules and regulations in our contracts that mandate this and waste disposal. We do have an off-leash dog park and dog waste stations available as well. The on-site manager will make sure everything is picked up and there are no odors. In reference to traffic, there should be less traffic than there would be if there were condominiums there. In

reference to noise, in our contracts, we have rules about quiet hours, no ATV joy riding and barking dog control. In reference to a landscaping plan, we will try to maintain as many as the natural trees as possible, however we will plant ash and maple trees, have a split face block wall on Old County Road, and plant low water shrubs that grow to 30' in height adjacent to Highway 87, which will provide a noise and visual barrier. In reference to lighting, we will follow the dark sky ordinance, because that is what is required and because our stars are really beautiful. In reference to aesthetics, we live in this community as well and want something that is not an eye-sore, so we spend more money on making it just that. We have a split place block wall with stone columns and put green metal roofs on the units instead of silver metal roofs. A statement was made that "The proposed project for a 41-space RV Park will not provide any benefit for the community of Pine and its residents." Fact is, more than \$40,000 collected in property taxes that benefits the PSWID, Fire Department, Pine Schools and Gila County. Also, increased revenue in Pine-Strawberry, more reliable revenue for local businesses, over \$200,000 of sales tax collected, provided revenue for local businesses and contractors and adding a fire hydrant. We believe that our park model park fits right into the Pine-Strawberry Community Plan. Darwin Huber, who is part of the Pine-Strawberry Visioning Committee, stated that yes, this park model park fits right into the Pine-Strawberry Community Plan. Lori Brown wanted to know how anyone can be kicked out of the park, for not following the rules, when they own the home. Ray Pugel stated that they can either sell the home or have it removed from the park.

The meeting was opened to public comment. With many in attendance, the consensus of the public was concerns over Pine losing its quaint small-town and quiet tone, excess of traffic and that being dangerous, needing more paramedics with the increase of people from the proposed park model park, water supply, the aesthetics of the park, not wanting another park model park in Pine, wastewater/septic issues, drainage issues, property values of surrounding owners will decrease, having one water meter for whole park vs. each unit having their own water meter, having the Planning & Zoning Commission table this application until the public has more information, not wanting this application to get approved by default due to not having it before the Board of Supervisors within 60 days, and Mary Lou Myers being on the Commission and working with Ray Pugel. Support for Ray Pugel's rezoning for his park model park stated that the water, septic, and drainage won't be approved without county and state regulations being met, Mr. Pugel will be adding another fire hydrant, and the park will provide revenue and jobs for the community. No other public comments. The public comment portion of the meeting was closed.

Lori Brown asked everyone in attendance if they would prefer a condo over park models and the majority stated they would prefer the condos. Bill Marshall stated that he thinks they all have valid concerns about this park model park coming into Pine. Travis Holder stated that he went through something similar right in his back yard when somebody wanted to develop a park model park right behind his home and honestly, he didn't want a park model park right next door to his custom built home, but he appreciates

everyone's comments and concerns and at the end of the day, the Commission will do what's best for everyone. Scott Buzan clarified that we do have all the petitions that were turned in and also that Section 105.4 (A) out of the Gila County Zoning Ordinance states, "If twenty percent (20%) or more of the owners of property by area and number within the zoning area file a protest to such change, the change shall not be made except by unanimous vote", which is not a denial, only that the Board has to vote unanimously. Randy Slapnicka stated that for the last 4 years, we have heard from the Pine-Strawberry community about having this community plan that they wanted, but by denying this request we are going against that plan 100%. How, as a Commission, do we turn down something that will use 75% less water, probably 50% less traffic and not consider the request by the applicant. If we listen to the public, they want less water and less traffic, which the park models will provide over the condominiums. Randy also stated that he drove through Mr. Pugel's other park model park and thought it was the nicest one he had seen in Gila County. Lori Brown stated that she agrees with Randy Slapnicka that the park models would generate less traffic and use less water than the condominiums, which is what they are asking for. She also likes the stipulation that there will only be park models and thinks that each park model should have their own water meter. Mary Lou Myers agrees with Randy Slapnicka and Lori Brown and also stated that having been in the real estate business in Pine for so long, when people who have a sense of community take on projects like this you are in a far better place with local people doing it then him selling it to a Phoenix developer, who would come in and not have any concerns for the community. Michelle Dahlke stated that it is the position of County Planning staff that the proposed development could be a good asset to the community if it is determined that it will not negatively impact adjacent properties and the surrounding community, will not have a negative impact on existing transportation infrastructure systems and meets all County and State requirements. A way to make this determination is to have the applicant submit a request for a development plan approval in conjunction with the rezoning request. Staff recommends that the rezoning request be tabled until a development plan is approved, but should you, the Commission, want to proceed with recommending approval the following conditions should be included: (1) The applicant shall submit a development plan as required by the County Zoning Ordinance within 180 days of approval of the rezoning case by the County Board of Supervisors, (2) All necessary building permits are obtained in a reasonable timeframe, (3) All lighting will need to be shielded in accordance with County zoning regulations, (4) a landscaping plan should be submitted with the development plan, (5) a grading and drainage plan should be submitted with the development plan, (6) a letter from the applicable water authority indicating there is an adequate water supply to serve the proposed community without causing an undue burden on the community.

Bill Marshall motioned that they approve recommendation to the Board of Supervisors, Z-18-04, Pine Creek Resort/Ray Pugel, parcel 301-19-019Y, with the 6 conditions recommended by staff and also a condition that there be no more than 38 park model units in the park. The motion was seconded by Randy Slapnicka. The motion was unanimously approved, with Mary Lou Myers abstaining.

8. **CUP-18-02 Crown Castle by Campbell A&Z, LLC:** An application to replace an existing 61' wood pole with a new 71' steel pole on a ballast foundation system for AT&T Wireless, for parcel 201-06-007M located in NF71, Punkin Center, currently zoned R1-35 (Residence One District).

Michelle Dahlke stated that the request is to replace an existing 61' wooden pole, which contains AT&T Omni antennae for its wireless facility known as W404 Punkin Center, with a 71' steel pole with new Omni antennas. The steel pole will be connected to an above ground ballast foundation system and will be temporary in nature until a permanent location is determined. A ballast system is a relocatable, engineered support system for a pole that does not require a pole foundation like a permanent pole. This makes it easy to be relocated to a permanent location. AT&T's wireless equipment will be upgraded to accommodate the replacement pole and will be located on the existing concrete pad which houses the existing equipment. The antennae array will be located at a height of 48' on the steel pole and a microwave dish will be situated on the pole at a height of 20'. The replacement pole will serve the Punkin Center and Tonto Basin area and will improve both network coverage and enhanced digital voice and data services for customers. Scott Buzan stated that this ballast foundation system is new to our department, but everything will have to be engineered. Lori Brown stated that the area really needs this because the service is really bad. Randy Slapnicka asked the applicant why they weren't going taller with the pole. The applicant stated that they may go taller, it hasn't quite been determined yet.

The meeting was opened to public comment. No public comments. The public comment portion of the meeting was closed.

Lori Brown motioned that they approve CUP-18-02, Crown Castle by Campbell A&Z, LLC. The motion was seconded by Mary Lou Myers. The motion was unanimously approved.

9. **Z-18-03 Kenneth & Mary Heflin:** An application to amend the Gila County Zoning Ordinance for parcel 304-30-001H currently designated for GR (General Rural District) to RR (Rural Residential District), allowing the applicant to split their property into two parcels. This property is located at 180 W. H Bar Ranch Road in Payson, AZ.

Mr. and Mrs. Heflin are proposing to rezone their property from General Residential to Rural Residential to allow them to split their property into two separate, one-acre lots. According to Gila County Assessor Maps, the existing parcel is 2 acres in size. A Record of Survey/Minor Land Division was recorded with the Gila County Recorder's Office on July 27, 1995 via recording number 95-668770 which indicates the property contains 1.9997 acres. If this acreage amount is correct, splitting the property into two acres would result in one, one-acre lot and one lot measuring .99997 acres. While the smaller lot would not meet the minimum area requirement of one acre in the RR zoning district, the deficiency of 0.0003 acres is considered to be very minor and in substantial conformation with the minimum one-acre area requirement.

The meeting was opened to public comment. No public comments. The public comment portion of the meeting was closed.

Lori Brown motioned that they approve Z-18-03, Kenneth & Mary Heflin, so they can split their property. The motion was seconded by Randy Slapnicka. The motion was unanimously approved.

10. **Z-18-01 and CPA-18-01 Gene Pendergraft:** An application to amend the Land Use Designation for Parcel 301-24-001, located at 6273 W. Hardscrabble Mesa Rd., Pine, AZ currently designated for residential development to Neighborhood Commercial and an application to amend the Gila County Zoning Ordinance which is currently designated for R1L-D12 (Limited Residential Use) to TR (Transitional Residential), allowing the applicant to have a personalized engraving business.

Michelle Dahlke stated that Mr. Pendergraft is proposing to rezone the northern 65' of his property, which fronts on to Hardscrabble Road, from R1L-D12 to TR. The balance of his property will remain zoned R1L-D12. Rezoning the northern portion of the property will allow him to sell wood-engraved gifts and souvenirs that he will create in a small, 600 to 800 square foot building designed as a small cabin (see example on the following page). According to the site plan, this cabin will be located approximately 20' from the northern property line and 21' from the eastern property line. Three standard parking spaces and one handicap accessible space will be located in front of the structure for customers. Mr. Pendergraft proposes to create his wood products inside the proposed cabin with a counter top laser which, according to manufacturer specifications, has a noise intensity of 60dB, the equivalent of two people carrying on a conversation or clothes dryer in a residence. All of the wooden products used for engraving are already cut pieces of wood or already produced souvenirs. An example of some of these products is found on the following page. Mr. Pendergraft will simply create personalized engraving on these wooden items. The hours of operation for the business would be 8:30 a.m. to 6:00 p.m. Thursday through Saturday with limited hours on Sundays. On three-day holiday weekends, such as Labor Day or Memorial Day, or the Fourth of July holiday, the business would be open on a Monday. Mr. Pendergraft and his wife would run the business and there would be no other employees. The Comprehensive Plan for Gila County designates this property for Residential use with a development intensity of 2 to 3 dwelling units per acre. The proposed use would not be consistent with the intent of the Comprehensive Plan; therefore, Mr. Pendergraft has submitted a request for a Minor Comprehensive Plan Amendment to change the land use designation of the property to Neighborhood Commercial. County staff has received written comments from neighbors, some in favor of the request and others not, with the general theme of those in opposition relating to potential traffic, noise and incompatibility with nearby residential uses. Gene Pendergraft stated that he plans to purchase a cabin that he will place on the front side of his property, which will fit into the landscaping of the area and also that he is purchasing items already built to engrave. He won't be using chainsaws, air compressors, routers, or anything to that such nature. The noise of the engraving machine is very low. Randy Slapnicka stated that he drove to the property and it would fit right into the setting of the neighborhood.

The meeting was opened to public comment. Darwin Huber stated that Mr. Pendergraft's project fits right into the Pine-Strawberry Community Plan. No other public comments. The public comment portion of the meeting was closed.

Travis Holder motioned that they approve Z-18-01 and CPA-18-01, Gene Pendergraft, with the 4 conditions recommended by staff. The motion was seconded by Lori Brown. The motion was unanimously approved.

11. Scott Buzan: Changes to the Gila County Subdivision Regulations No. 81502.

Scott Buzan stated that last year we had our first subdivision application in over 10 years and quickly realized that our subdivision regulations needed an update, which was approved back in 2002. Some of the updates we are looking to do are making sure all legal terms are represented. Having an option for the Board of Supervisors, so they may approve one access point for a subdivision with less than 25 lots. Having two access points is always preferable, but in the cases where it just isn't feasible, we wanted to have another option. Randy Slapnicka stated that he believes in Maricopa County, they allow a 24-foot egress/ingress as two ways of coming into a property. Michelle Dahlke stated that is correct, but they also have an emergency exit as well. Mickie Nye asked if there is only one access point, will it be required to be so many feet. Scott Buzan stated that no, at current time, we will not. If it is a county regulated road, it will have to meet county regulations. Lori Brown stated that her concern is if you don't set any standards on the width of the access point, if the HOA dwindles, it then becomes a county road and not up to county standards, which leaves the tax payers responsible for taking care of it. Michelle Dahlke stated that we are in the process of updated our Zoning Ordinance and we will be addressing the subdivision regulations as well. Scott Buzan also stated that another change we are looking to do, is to eliminate section 11, on small subdivisions (less than 20 lots), which was supposed to expediate the process by bypassing the preliminary plat submittal and going straight to the final plat submittal. Staff agreed that it wasn't very well written and was very hard to follow. What we are finding, is a lot of these developers are not very experienced and eliminating the preliminary plat submittal, is making it more difficult when they submit for the final plat.

Mary Lou Myers motioned that they approve recommendation to the Board of Supervisors, the changes brought forth to the Gila County Subdivision Regulations No. 81502. The motion was seconded by Lori Brown. The motion was unanimously approved.

12. Adjournment. Lori Brown made a motion to adjourn the meeting and Travis Holder seconded the motion. The Motion to adjourn was unanimously approved at 2:06 P.M.



**GILA COUNTY
PLANNING & ZONING COMMISSION AND
GILA COUNTY BOARD OF ADJUSTMENT
2019 CALENDAR**

In accordance with Arizona State Statute 11-802 (By resolution fix the time and place within the district of regular meetings, hold at least one regular meeting each month when there is new official business to transact and hold additional meetings as the chairperson or a majority of the commission deems necessary). The Planning and Zoning Commission and the Board of Adjustment meet the 3rd Thursday of each month unless otherwise designated by the Commission or the Board of Adjustment. The Board of Adjustment meets at 9:00 A.M. and The Planning and Zoning Commission meets at 10:00 A.M. in the Gila County Board of Supervisors Conference Room located at 610 E. Hwy 260, Payson, Arizona and telecasted to the Community Development Conference Room located at 745 N. Rose Mofford Way, Globe, Arizona, unless noticed for a different location.

MEETING DATE	APPLICATION DUE DATE	LEGAL AD DUE TO PAPERS	PUBLICATION & NOTICE DATE
January 17, 2019	December 6, 2018	December 28, 2018	January 1, 2019
February 21, 2019	January 10, 2019	February 1, 2019	February 5, 2019
March 21, 2019	February 7, 2019	March 1, 2019	March 5, 2019
April 18, 2019	March 7, 2019	March 29, 2019	April 2, 2019
May 16, 2019	April 4, 2019	April 26, 2019	April 30, 2019
June 20, 2019	May 9, 2019	May 31, 2019	June 4, 2019
July 18, 2019	June 6, 2019	June 28, 2019	July 2, 2019
August 15, 2019	July 4, 2019	July 26, 2019	July 30, 2019
September 19, 2019	August 8, 2019	August 30, 2019	September 3, 2019
October 17, 2019	September 5, 2019	September 27, 2019	October 1, 2019
November 21, 2019	October 10, 2019	November 1, 2019	November 5, 2019
December 19, 2019	November 7, 2019	November 29, 2019	December 3, 2019



**STAFF REPORT
TO THE
PLANNING & ZONING COMMISSION**

APPLICATION Z-18-05

APPLICATION TO REZONE TO RR



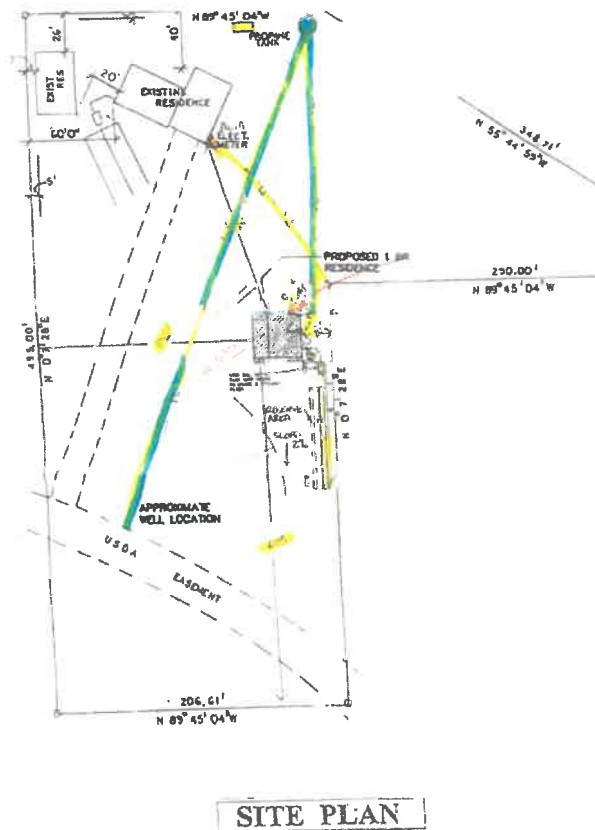
**Rezoning 18-05
Public Hearing
October 18, 2018
610 E. Highway 260
Payson, AZ**

I Application

Applicant Name	Mark Kile
Applicant Address	222 West H Bar Ranch Road
Site Address	222 West H Bar Ranch Road
APN Number(s)	304-30-001J
Current Zoning	General Residential
Current Comp Plan	Residential – 0.4 to 1.0 dwelling units per acre
Application Number	Z 18-05
Proposed Zoning	Rural Residential

II Purpose & Description

Mark Kile is proposing to rezone the subject property from General Residential to Rural Residential to allow it to be split into two separate lots. According to Gila County Assessor Maps, the existing parcel is 3 acres in size. While it is not yet known exactly how the parcel will be split, Mr. Kile indicates that it is likely that one parcel will be slightly larger than the other but that each lot will contain at least one acre in accordance with Rural Residential minimum lot area requirements.



III Primary issues to consider

Surrounding Land Uses:

North: General Residential
South: General Residential
East: General Residential
West: General Residential



Neighborhood Outreach:

Mr. Kile held a neighborhood meeting on Saturday, October 6, 2018 to answer questions related to his rezoning request. The neighbors to the east, Kenny and Mimi Heflin, along with their daughter, were in attendance. According to Mr. Kile, the Heflin's were concerned that a future structure might restrict their views and Mr. Kile indicated he had no intention to construct anything at this time since there is already a home on the property. There were no other questions or concerns raised. Gila County Planning staff has not received correspondence from any neighbors or interested parties to date.

IV Background

Gila County issued a building permit on October 16, 2007 for a single-family residence with a patio and carport on the northern portion of the existing parcel. A second building permit was issued on September 18, 2014 for a one bedroom, one-bathroom residence to the southeast of the residence, roughly in the middle of the overall parcel on its eastern boundary (refer to site plan on Page 2 of this report). Related septic permits were issued in relation to these structures.

V Analysis

Rezoning the subject property to Rural Residential will not have a detrimental impact on adjacent properties for several reasons. First, the two lots that will be created will be in conformance with Rural Residential zoning district development standards. Additionally, splitting the parcel into two, minimum one-acre lots will be in conformance with the Comprehensive Plan. Finally, Gila County recently approved a similar rezoning on the property to the immediate east based on conformance with Rural Residential development requirements and the Comprehensive Plan density for the area.

VI Recommendation

Staff recommends approval of rezoning the subject property from General Residential to Rural Residential. Should the Commission want to proceed with recommending approval of this request, the following stipulation is suggested:

1. The applicant shall obtain approval of a Minor Land Division with the County Community Development Department upon approval of the rezoning request.

Gila County Community Development Division
Planning & Zoning Department

745 N Rose Mofford Way,
Globe, AZ 85501
(928) 402-8512
FAX: (928) 425-0829

608 E Highway 260,
Payson, AZ 85541
(928) 474-9276
FAX: 928-474-0802

REZONING APPLICATION

Date: 2-21-18 File No.: 2-18-05
Applicant Name: Mark Kile Phone No.: 928-978-0677
Mailing Address: 222 W H Bar Ranch Rd Payson Az 85541
Signature: [Signature]
Email Address: mkile4@gmail.com

Owner's Name: Mark Kile Phone No.: 928-978-0677
Mailing Address: 222 W H Bar Ranch Rd Payson Az 85541
Signature: [Signature]

(If the applicant is not the owner of the subject property, the owner must sign the application authorizing the applicant to apply.)

If the subject property is part of a homeowner association (HOA):

Name of HOA: _____
Contact Person at HOA: _____
Email Address: _____ Phone No.: _____

Property Address: 222 W H Bar Ranch Rd Payson
Property Parcel No.: 304-30-0015 Legal Description: _____
Current Zoning: GR Requested zoning: RR
Current Comprehensive Plan Designation: Residence

Applicant's Description and Purpose of Rezoning Request (the applicant may include this information in the required project narrative): to split to 1 ac parcels

FOR OFFICE USE ONLY

\$365 Fee Paid Check No.: 2528 Credit _____ Cash: _____ Date: 8/27/18
PZC Legal Publication and Posting Date: 10/2/18 and 11/2/18 Hearing Date: 10/18/18 @ 10:00AM
PZC Recommendation: _____

BOS Legal Publication and Posting Date: _____ Hearing Date: _____
BOS Decision: _____

Gila County Property Report

Tuesday, September 04, 2018

Account # : R000035451 Parcel # : 304-30-001J - Appraisal Year : 2018

Acct Type : Residential Tax District : 1000 Map # : 30 Parcel Size : 3.00 acres

Owner Name and Address :

KILE MARK V & JOHNNA L
222 W H BAR RANCH RD
PAYSON AZ 85541

Property Location :

222 W H BAR RANCH RD	No #
PAYSON AZ 85541-2083	MH Space

Business/Complex :**Property Sales History**

No Records Returned

Legal Description :

PARCEL 1 OF ROS 1970SW1/4 SW1/4 SEC 17 T9N R10E = 3.00 AC(OUT OF 304-30-001F & -002G)

Building Count :

Bldg ID	Occupancy	Built As	Quality	Sq Ft	Year
1.00	Single Family Residential	Ranch 1 Story	Good	2236	2002
2.00	Single Family Residential	Ranch 1 Story	Fair	858	2008
3.00	Single Family Residential	Ranch 1 Story	Fair	768	2014

Valuation:

Value Method:	Cost	Full Cash Value (FCV):	\$450,566.00	Use Code:	0180
		Limited Value (LPV):	\$333,654.00	Property Use:	0180-SFR+RES STATUS UNKNWN
Assessment Ratio:	10.00 %	Assessed FCV:	\$45,056.00		
		Assessed LPV:	\$45,056.00		

Disclaimer:

The Assessor's Office has compiled information on this website that it uses to identify, classify, and value real and personal property. This website is not updated in 'real time.' The Assessor does not guarantee that any information provided on this website is accurate, complete, or current. The information provided on this site is not equivalent of a title report or a real estate survey. Users should independently research, investigate, and verify all information before relying on it or in the preparation of legal documents. Please contact (928) 402-8714 if you believe any information is incomplete, out of date, or incorrect so that the appropriate correction can be addressed. Please note that a statutory process is available to correct errors pursuant to Arizona Revised Statutes 42-16254



ROS 2456

1 M
3.00 AC

N0°06'04"E
468.99'

1 N
17.78 AC

50°08'04"W
660.42'
S89°36'59"E
182.07'
1.13 AC
269.78'
N0°08'31"E

663.75'

N0°06'04"E
690.98'
N0°08'04"E
523.62'

N61°50'33"W
58.18'

N0°07'28"E
267.39'

1 P
3.00 AC

N66°33'37"W
668.17'

ROS 318

N89°50'49"E
664.25'

17 165.20'

ROS 1970
3.00 AC
N0°07'28"E
493.0'
297.91'
N89°45'04"W
207.95'
N89°45'04"W
290.0'
N55°44'58"W
346.71'
N89°45'04"W
290.0'
N0°07'28"E
300.0'
N0°07'28"E
300.0'
S89°45'04"E
290.0'
ROS 1064
2.00 AC
N0°07'28"E
300.0'

1 J
3.00 AC

1 H
2.00 AC

HBAR ROAD

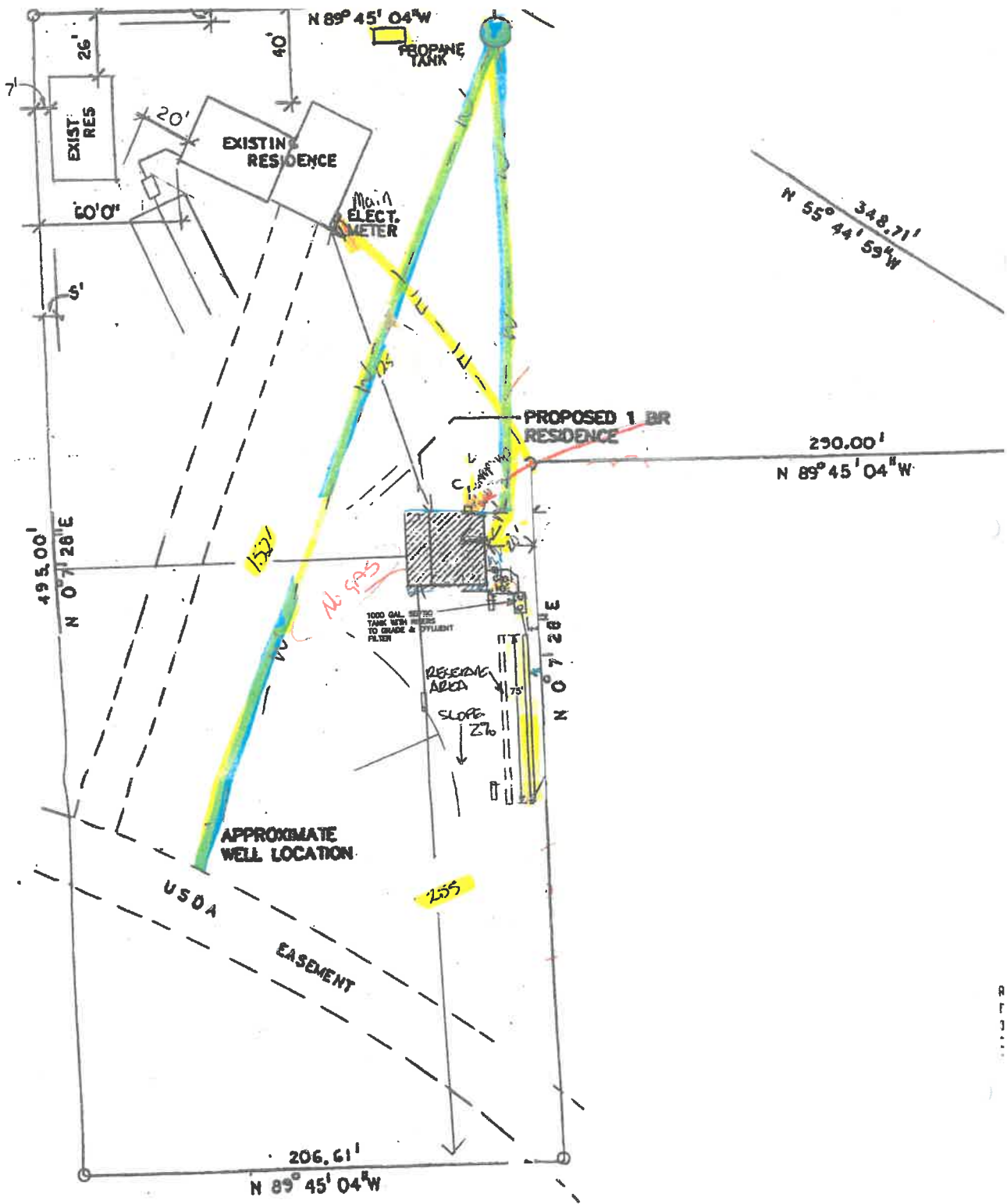
SEE MAP 304-30 1 of 3

RECEIVED
JUN 13 2018
BY: AW

144
GR

3

EJA NEW

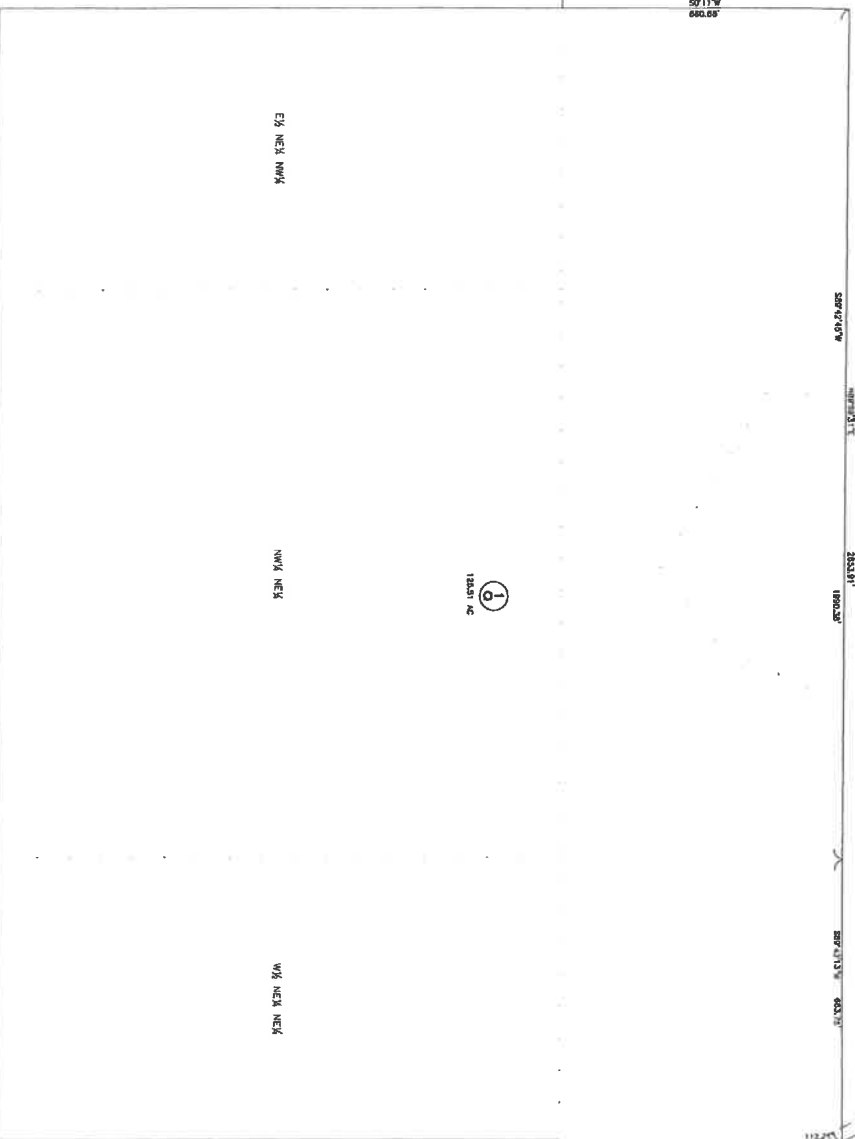


SITE PLAN

300-Foot radius

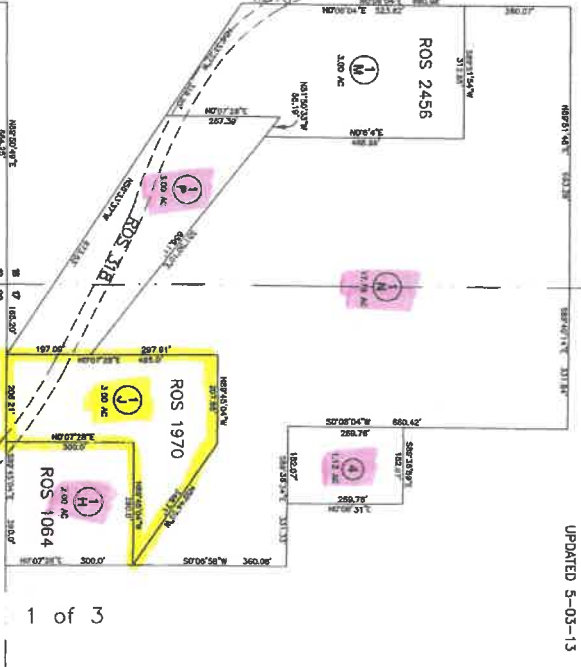
SEE MAP 304-30 1 of 3

SEE MAP 304-30 1 of 3

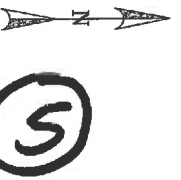


SEE MAP 304-30 1 of 3

304-30-0015 Applicant Kille
Properties within 300-foot radius



SEE MAP 304-30 1 of 3



SCALE = 1" = 200'
(C) = CALCULATED
(R) = RECORDED

FOR INFORMATION ONLY. NO LIABILITY ASSUMED.

GILA COUNTY ASSESSOR

Gila County Property Report

Tuesday, September 04, 2018

Account # : R000035454**Parcel # :** 304-30-001P

-

Appraisal Year : 2018**Acct Type :** Residential**Tax District :** 1000**Map # :** 30**Parcel Size :** 3.00 acres**Owner Name and Address :**

CHILSON JOHN CHARLES & JERI LYNN TRUSTEE
 CHILSON TRUST
 342 W H BAR RANCH RD
 PAYSON AZ 85541

Property Location :

	No #
342 W H BAR RANCH RD	
RYE AZ 85541-0000	MH Space

Business/Complex :**Property Sales History****No Records Returned****Legal Description :**

POR SEC 17 & 18 T9N R10E COMM SW COR SEC 17; TH S89D45'04"E, 165.20' TO POB; TH N56D33'37"W, 673.63'; TH N0D07'28"E, 267.39'; TH S51D50'33"E, 58.19'; TH S51D50'10"E, 656.11'; TH S0D07'28"W, 197.09' TO POBSW1/4 SW1/4 SEC 17 & SE1/4 SEC 18 T9N R10E = 3.00 AC (OUT OF 304-30-001K & -001L)

Building Count :

Bldg ID	Occupancy	Built As	Quality	Sq Ft	Year
1.00	Residential Yard Improvements	Residential Yard Improvements	Average	1	1987

Valuation:

Value Method:	Cost	Full Cash Value (FCV):	\$12,063.00	Use Code:	0014
		Limited Value (LPV):	\$11,493.00	Property Use:	0014-VL-RES-RURAL-NONSUBDVD
Assessment Ratio:	15.00 %	Assessed FCV:	\$1,809.00		
		Assessed LPV:	\$1,809.00		

Disclaimer:

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Gila County Property Report

Tuesday, September 04, 2018

Account # : R000035453**Parcel # :** 304-30-001N

-

Appraisal Year : 2018**Acct Type :** Residential**Tax District :** 1000**Map # :** 30**Parcel Size :** 17.78 acres**Owner Name and Address :**

CHILSON JOHN CHARLES & JERI LYNN TRUSTEE
CHILSON TRUST
342 W H BAR RANCH RD
PAYSON AZ 85541

Property Location :

226 W H.BAR RANCH RD	No #
PAYSON AZ 85541	MH Space

Business/Complex :**Property Sales History****No Records Returned****Legal Description :**

POR SEC 17 & 18 T9N R10E COMM SW COR SEC 17; TH S89D45'04"E, 165.20'; TH N0D07'28"E, 197.09' TO POB; TH N51D50'10"W, 656.11' M/L(C); TH N0D06'04"E, 468.99'; TH S89D51'54"W, 312.85'; TH N0D06'04"E, 280.07'; TH N89D51'46"E, 663.28'; TH S89D40'14"E, 331.84'; TH S0D08'04"W, 660.42'; TH S89D36'34"E, 331.33'; TH S0D06'58"W, 380.06'; TH N55D44'59"W 348.71'; TH N89D45'04"W, 207.95'; TH S0D07'28"W, 297.91' TO POBSW1/4 SW1/4 SEC 17 & SE1/4 SE1/4 SEC 18 T9N R10E = 17.78 AC

Building Count :

Bldg ID	Occupancy	Built As	Quality	Sq Ft	Year
1.00	Single Family Residential	Ranch 1 Story	Average	1120	2014
2.00	Residential Yard Improvements	Residential Yard Improvements	Average	1	1997
3.00	Shed - Hay	Shed - Hay	Average	960	1998
5.00	Equipment Storage	Equipment Storage	Average	4000	2008

Valuation:

Value Method:	Cost	Full Cash Value (FCV):	\$239,620.00	Use Code:	0130
		Limited Value (LPV):	\$198,018.00	Property Use:	0130-SFR-010-3 STATUS UNKNWN
Assessment Ratio:	15.00 %	Assessed FCV:	\$24,958.00		
		Assessed LPV:	\$24,958.00		

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Gila County Property Report

Tuesday, September 04, 2018

Account # : R000035450 **Parcel # :** 304-30-001H - **Appraisal Year :** 2019

Acct Type : Residential **Tax District :** 1000 **Map # :** 30 **Parcel Size :** 2.00 acres

Owner Name and Address :

HEFLIN KENNETH B & MARY P
180 W H BAR RANCH RD
PAYSON AZ 85541

Property Location :

180 W H BAR RANCH RD No #
PAYSON AZ 85541 MH Space

Business/Complex :**Property Sales History**

Sale Date	Doc Date	Book	Page	Type	Amount	Grantor	Grantee
11/28/2017	11/28/2017	-	-	WD	\$0.00	CASLIN JASE & DEANA	HEFLIN KENNETH B & MARY P
6/22/2018	6/22/2018	-	-	JT	\$0.00	HEFLIN KENNETH B & MARY P	HEFLIN KENNETH B & MARY P & CASLIN JADE & DEANA

Legal Description :

PARCEL "A" OF ROS 1064SW1/4 SW1/4 SEC 17 T9N R10E = 2.00 AC (OUT OF 304-30-001D & -001A)

Building Count :

Bldg ID	Occupancy	Built As	Quality	Sq Ft	Year
1.00	Single Family Residential	Ranch 1 Story	Good	1735	1996
2.00	Barn	Barn	Average	840	1996
3.00	Residential Yard Improvements	Residential Yard Improvements	Average	1	1998
4.00	Single Family Residential	Ranch 1 Story	Average	1205	2017
5.00	Vertical Bulk Tank	Vertical Bulk Tank	Average	1	1996

Valuation:

Value Method:	Cost	Full Cash Value (FCV):	\$321,261.00	Use Code:	0180
		Limited Value (LPV):	\$197,848.00	Property Use:	0180-SFR+RES STATUS UNKNWN
Assessment Ratio:	10.00 %	Assessed FCV:	\$32,126.00		
		Assessed LPV:	\$32,126.00		

Disclaimer:

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Gila County Property Report

Tuesday, September 04, 2018

Account # : R000035459**Parcel # :** 304-30-004

-

Appraisal Year : 2018**Acct Type :** Cemetery**Tax District :** 1000**Map # :** 30**Parcel Size :** 1.13 acres**Owner Name and Address :**

HAUGHT PORTER BLUE & KELLY DAWN
920 E NORWOOD ST
MESA AZ 85203

Property Location :

No #
AZ MH Space

Business/Complex :**Property Sales History****No Records Returned****Legal Description :**

POR SEC 17 T9N R10E COMM AT SW COR SEC 17; TH N0D04'E, 1321.62'; TH S89D40'08"E, 331.92'; TH S0D08'31"W, 660.22' TO POB; TH N0D08'31"E, 296.76'; TH S89D36'59"E, 182.07'; TH S0D08'31"W, 296.76'; TH N89D36'59"W, 182.07' TO POBNW1/4 SW1/4 SW1/4 SEC 17 T9N R10E = 1.13 AC

Building Count :**No Records Returned****Valuation:**

Value Method:	Market	Full Cash Value (FCV):	\$13,697.00	Use Code:	9030
		Limited Value (LPV):	\$13,697.00	Property Use:	9030-EXEMPT-CEMETERY/MAUSOLEUM
Assessment Ratio:	15.00 %	Assessed FCV:	\$2,055.00		
		Assessed LPV:	\$0.00		

Disclaimer:

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Mark & Johnna Kile
222 W. H Bar Ranch Rd.
Payson, AZ 85541

John & Jeri Chilson Trustee/Trust
342 W. H Bar Ranch Rd.
Payson, AZ 85541

Kenneth & Mary Heflin
180 W. H Bar Ranch Rd.
Payson, AZ 85541

Porter & Kelly Haught
920 E. Norwood St.
Mesa, AZ 85203

10

Berumen, Therese C

From: Mark Kile <mkile4@gmail.com>
Sent: Monday, September 10, 2018 8:35 AM
To: Berumen, Therese C
Subject: Re: Rezoning

CAUTION: Since this email originated from outside of Gila County, please be careful when deciding to click links or open attachments.

Date Saturday Oct 6, Time 1pm the Place 222 w h Bar Ranch Rd Payson Az. Let me know if you need anything else.

Thanks

Mark

On Tue, Sep 4, 2018, 4:16 PM Berumen, Therese C <tcberumen@gilacountyaz.gov> wrote:

Mr. Mark,

Per our Zoning Ordinance, you will need to hold a Citizen Participation Meeting. I have attached it straight from our Ordinance, for your viewing. I have the map and list of property owners within 300 feet. I just need a date, time and location of the meeting, from you, so I can put the letter together for you, that will go out to your neighbors. Please keep in mind, I will need to get you the materials (envelopes and copies of letter) via mail and you will also have to mail them out to the other property owners. I would think the last weekend in September or first weekend in October would be good. If you have any questions or concerns, please don't hesitate to contact me.

Thank you,

Therese Berumen

Administrative Assistant

Gila County Community Development

745 N. Rose Mofford Way

Globe, AZ 85501

(928) 402-8512



745 N. Rose Mofford Way
Globe, Arizona 85501
(928) 402-4224
FAX (928) 425-0829



608 E. Hwy 260
Payson, Arizona 85541
(928) 474-9276
FAX (928) 474-0802

GILA COUNTY COMMUNITY DEVELOPMENT

September 10, 2018

Mark Kile
222 W. H Bar Ranch Road
Payson, AZ 85541

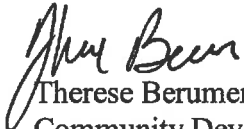
Re: Zoning change for 304-30-001J

Dear Mr. Kile,

Enclosed you will find the property owner notification letters and envelopes. You will just need to get them mailed out, as soon as you can, so that everyone will have enough notice to make arrangements, if necessary. Please don't forget that after the meeting, I will need a summary of what was discussed and also a list of everyone who showed. You can email me that information or put it in the mail to me. Please keep in mind, if someone contacts you via phone or by mail, I will also need that information as well. I will need this information before October 11, 2018.

If you have any questions or concerns, please don't hesitate to contact me.

Sincerely,


Therese Berumen
Community Development
Administrative Assistant
928-402-8512

12

September 10, 2018

Assessor's Parcel #: 304-30-001J

Property Address: 222 W. H Bar Ranch Rd.
Payson, AZ 85541

Dear Property Owner,

We would like to apply for a zoning change from GR (General Rural District) to RR (Rural Residential District), to allow us to split our parcel. Before we can apply for a rezoning, the zoning regulations require us to notify all property owners within three hundred (300) feet of the subject property and to schedule a time and place to meet and inform you of our intent to rezone the property. Therefore, we are inviting you to meet with us on:

Date: Saturday, October 6, 2018

Time: 1:00 P.M.

Location: 222 W. H Bar Ranch Rd., Payson AZ 85541

If you are unable to attend the meeting you can contact me with your comments at:

Phone: 928-978-0677

Mailing: 222 W. H Bar Ranch Rd.
Payson, AZ 85541

Sincerely,
Mark Kile

13

Mark & Johnna Kile
222 W. H Bar Ranch Rd.
Payson, AZ 85541

Mark & Johnna Kile
222 W. H Bar Ranch Rd.
Payson, AZ 85541

Mark & Johnna Kile
222 W. H Bar Ranch Rd.
Payson, AZ 85541

John & Jeri Chilson Trustee/Trust
342 W. H Bar Ranch Rd.
Payson, AZ 85541

Kenneth & Mary Heflin
180 W. H Bar Ranch Rd.
Payson, AZ 85541

Porter & Kelly Haught
920 E. Norwood St.
Mesa, AZ 85203

(14)

Berumen, Therese C

From: Mark Kile <mkile4@gmail.com>
Sent: Monday, October 08, 2018 12:44 PM
To: Berumen, Therese C
Subject: Meeting for zoning change for 304-30_001J

CAUTION: Since this email originated from outside of Gila County, please be careful when deciding to click links or open attachments.

The only people to attend the meeting were Kenny Heflin, Mimi Heflin and there daughter, the neighbors that just changed the zoning on there property. I showed them where I planned to split the property. There concern was that they didn't want me to build a building that would block there views, I told them that I had no plans of doing that at this time since there is already a home on the property. The meeting lasted about 15 minutes.

Mark Kile

15

745 N. Rose Mofford Way
Globe, Arizona 85501
(928) 402-4224
FAX (928) 425-0829



608 E. Hwy 260
Payson, Arizona 85541
(928) 474-9276
FAX (928) 474-0802

GILA COUNTY COMMUNITY DEVELOPMENT

September 11, 2018

Re: An Application to amend the Gila County Zoning Ordinance for parcel 304-30-001J currently designated for General Rural District (GR) to Rural Residential District (RR), allowing the applicant to split his parcel.

To Whom It May Concern,

The Planning and Zoning Commission will hold a public hearing on the attached application to amend the Gila County Zoning Ordinance, currently zoned GR to RR on October 18, 2018 at 10:00 A.M., in the Board of Supervisors Conference Room, located at 610 E. State Hwy. 260, Payson, AZ and will be simultaneously telecast to the Gila County Community Development Conference Room at 745 N. Rose Mofford Way, Globe, AZ.

You can comment on the application by attending the hearing or sending comments to 745 N. Rose Mofford Way, Globe, AZ 85501 or 608 E. Hwy. 260, Payson, AZ 85541. You may also email comments to mdahlke@gilacountyaz.gov or contact Therese Berumen at 928-402-8512. All comments are public information and subject to release.

Sincerely,

Michelle Dahlke

Michelle Dahlke
Senior Planner

16

LEGAL NOTICE
GILA COUNTY
PLANNING AND ZONING COMMISSION
AND THE GILA COUNTY BOARD OF SUPERVISORS

NOTICE IS HEREBY GIVEN that the Gila County Planning and Zoning Commission will hold a public hearing on Thursday, October 18, 2018 beginning at 10:00 A.M. The hearing will take place in the Board of Supervisors Conference Room at 610 E. State Hwy 260, Payson, AZ and will be simultaneously telecast to the Community Development Conference Room, located at 745 N. Rose Mofford Way, Globe, AZ. The Gila County Board of Supervisors will hold a public hearing on the following application on Tuesday, November 6, 2018 at 10:00 A.M. The hearing will take place in the Board of Supervisors Hearing Room, located at 1400 E. Ash Street, Globe, AZ and will be simultaneously telecast to the Board of Supervisors Conference Room located at 610 E. Hwy 260, Payson, AZ.

Amendment to Gila County Zoning Ordinance Hearing Application:

Z-18-05 Mark Kile: An application to amend the Gila County Zoning Ordinance for parcel 304-30-001J currently designated for GR (General Rural District) to RR (Rural Residential District), allowing the applicant to split their parcel. This property is located at 222 W. H Bar Ranch Rd. in Payson, AZ. If approved, this request will become effective 30 days after the approval at the Board of Supervisors hearing.

The Board of Supervisors hearing date will be continued if the Planning and Zoning Commission has not given a recommendation. Interested persons may file a statement in writing for or against, or appear and be heard at the dates set forth. Citizens can mail their statements to the addresses below.

Information on the above-mentioned case is available for review in the Gila County Community Development Department located at 745 N. Rose Mofford Way, Globe, AZ or 608 E. Hwy 260, Payson, AZ during normal business hours. Comments can also be sent to mdahlke@gilacountyaz.gov or 928-402-8512.

By: 

Michelle Dahlke
Gila County Community Development

Affidavit of Publication

Payson Roundup

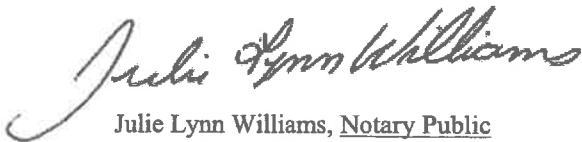
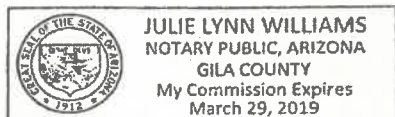
STATE OF ARIZONA 10093532
COUNTY OF GILA 10/2/2018

I, Paula VanBuskirk, do solemnly swear that I am Assistant Bookkeeper of the Payson Roundup, that the same is a newspaper printed, in whole or in part, and published in the COUNTY OF GILA, State of Arizona, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said COUNTY OF GILA for a period of more than fifty-two weeks prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879, or any amendments thereof, and that said newspaper is a newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Arizona. That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said daily newspaper for the period of 1.00 consecutive insertions; and that the first publication of said notice was in the issue of said newspaper dated October 02 A.D., 2018, and that the last publication of said notice was in the issue of said newspaper dated October 02 A.D., 2018. In witness whereof I have hereunto set my hand this October 02 A.D., 2018.



Paula VanBuskirk

Subscribed and sworn to before me, a Notary Public in and for the COUNTY OF GILA, State of Arizona October 02 A.D., 2018.


Julie Lynn Williams, Notary Public

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16935: 10/2/2018

LEGAL NOTICE

GILA COUNTY

PLANNING AND ZONING COMMISSION AND THE GILA COUNTY BOARD OF SUPERVISORS NOTICE IS HEREBY GIVEN that the Gila County Planning and Zoning Commission will hold a public hearing on Thursday, October 18, 2018 beginning at 10:00 A.M. The hearing will take place in the Board of Supervisors Conference Room at 610 E. State Hwy 260, Payson, AZ and will be simultaneously telecast to the Community Development Conference Room, located at 745 N. Rose Mofford Way, Globe, AZ. The Gila County Board of Supervisors will hold a public hearing on the following application on Tuesday, November 6, 2018 at 10:00 A.M. The hearing will take place in the Board of Supervisors Hearing Room, located at 1400 E. Ash Street, Globe, AZ and will be simultaneously telecast to the Board of Supervisors Conference Room located at 610 E. Hwy 260, Payson, AZ.

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Z-18-05 Mark Kile: An application to amend the Gila County Zoning Ordinance for parcel 304-30-001 J currently designated for GR (General Rural District) to RR (Rural Residential District), allowing the applicant to split their parcel. This property is located at 222 W. H Bar Ranch Rd. in Payson, AZ. If approved, this request will become effective 30 days after the approval at the Board of Supervisors hearing.

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Information on the above-mentioned case is available for review in the Gila County Community Development Department located at 745 N. Rose Mofford Way, Globe, AZ or 608 E. Hwy 260, Payson, AZ during normal business hours. Comments can also be sent to mdahlke@gilacountyaz.gov or 928-402-8512. By: /s/ Michelle Dahlke, Michelle Dahlke, Gila County Community Development

ZONING HEARING GILA COUNTY

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Gila County Planning and Zoning Commission will hold a public hearing on Thursday, October 18, 2018 beginning at 10:00 A.M. The hearing will take place in the Board of Supervisors Conference Room at 610 E. State Hwy 260, Payson, AZ and will be simultaneously telecast to the Community Development Conference Room, located at 745 N. Rose Mofford Way, Globe, AZ. The Gila County Board of Supervisors will hold a public hearing on the following application on Tuesday, November 6, 2018 at 10:00 A.M. The hearing will take place in the Board of Supervisors Hearing Room, located at 1400 E. Ash Street, Globe, AZ and will be simultaneously telecast to the Board of Supervisors Conference Room located at 610 E. Hwy 260, Payson, AZ.

Amendment to Gila County Zoning Ordinance Hearing Application:

Z-18-05 Mark Kile: An application to amend the Gila County Zoning Ordinance for parcel 304-30-001J currently designated for GR (General Rural District) to RR (Rural Residential District), allowing the applicant to split their parcel. This property is located at 222 W. H Bar Ranch Rd. in Payson, AZ. If approved, this request will become effective 30 days after the approval at the Board of Supervisors hearing.

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DATED AND POSTED this 3rd Day of October, 2018.

Gila County Planning & Zoning Commission



Michelle Dahlke
Senior Planner
Gila County Community Development

19

PENALTY FOR DEFACING POSTER PRIOR TO DATE OF HEARING

POSTING CERTIFICATE

File Number & Name

304-30-0015
2-18-05 Mark Hill 222 W. H Bar Ranch Rd.
Payson, AZ

Meeting of: ☒ P & Z Commission ☒ Board of Supervisors ☐ Board of Adjustment & Appeals

Meeting Date: 10/18/18 (P+Z) 11/6/18 (Bos)

Number of Postings: 3

Date to be Posted: by 10/3/18

Date Posted: 10-1-18

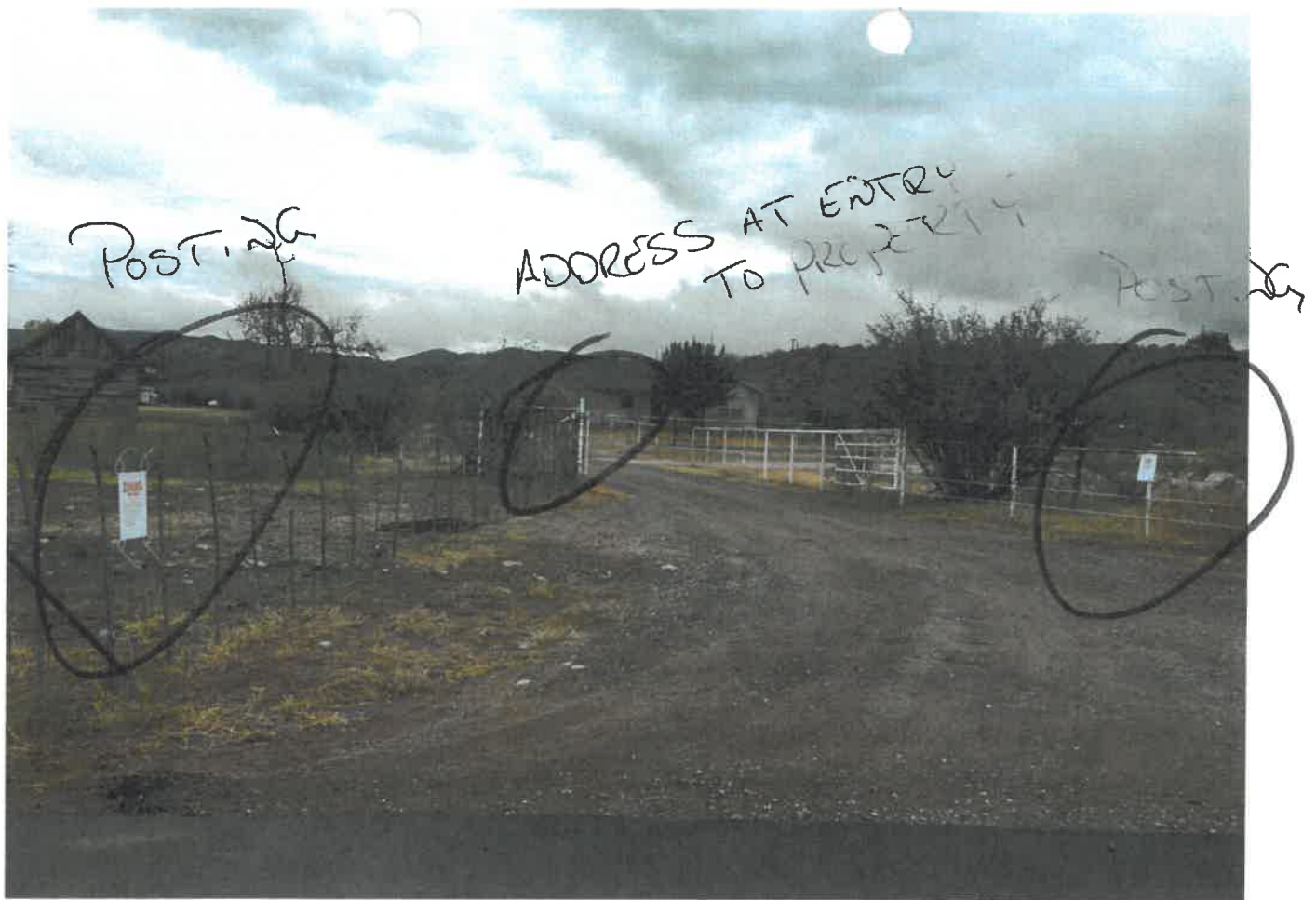
Location:

1. ENTRY TO PROPERTY (Z) DIRECTIONS
2. RIGHT OF WAY TO PROPERTY
3. _____
4. _____
5. _____

By: J. Moore

POSTING INSTRUCTIONS (Per Par. B, A.R.S. Sec. 11-829)

Posting is to be no less than two places with at one notice for each ¼ mile of frontage along perimeter public rights-of-way, so notices are visible from the nearest public right-of-way.



KILE

RIGHT OF WAY

10-1-18

PICTURE IS OF TWO POSTINGS AT ENTRY
TO PROPERTY FACING (2) DIRECTIONS

J. MOORE

(21)



KILE

10-1-18

Picture is of Posting on Right of Way
To Property

J. Moore

22

POSTING CERTIFICATE

File Number & Name

304-30-0015
2-18-05 Mark Kile 772 W. H Bar Ranch Rd.
Payson, AZ

Meeting of: ☒ P & Z Commission ☒ Board of Supervisors ☐ Board of Adjustment & Appeals

Meeting Date: 10/18/18 (P+Z) 11/6/18 (BOS)

Number of Postings: 3

Date to be Posted: 10/3/18

Date Posted: 10/3/18

Location:

1. Public Works Admin Bld.
2. Gila County Courthouse
3. Gila County Payson Complex (by Cheryl Sluyter)
4. _____
5. _____

By: John Berry

POSTING INSTRUCTIONS (Per Par. B, A.R.S. Sec. 11-829)

Posting is to be no less than two places with at one notice for each ¼ mile of frontage along perimeter public rights-of-way, so notices are visible from the nearest public right-of-way.

23



To: Planning and Zoning Commissioners
From: Michelle Dahlke, Senior Planner
CC: Scott Buzan, Community Development Director
RE: Proposed Zoning Ordinance Text Amendment (Section 103.1 – Structures and Uses – Compliance to District Requirements)
Date: October 11, 2018

Dear Commissioners,

Community Development staff is proposing changes to Section 103.1 with respect to:

- 1) The encroachment of a building or structure into a required yard setback (Section 103.1.C);
- 2) To add unsecured habitable structures to the unsafe structures list (Section 103.1.D);
- 3) To clarify prohibited and/or dangerous uses and nuisances (Section 103.1.E) and;
- 4) To more specifically define accessory structures and uses and the methods of obtaining approval to encroach into a required setback or establish an accessory structure or use when a primary or principal structure or use is not present (Section 103.1.F).

A copy of Section 103.1 with the proposed changes is attached to this memo for your review. We look forward to discussing these changes with you at your October 18, 2018 public hearing.

SECTION 103

GENERAL STIPULATIONS & PROVISIONS – ALL DISTRICTS

The following stipulations and provisions shall apply to all districts unless supplanted and/or supplemented by differing stipulations and provisions established in any particular district.

SECTION 103.1

STRUCTURES AND USES

COMPLIANCE TO DISTRICT REQUIREMENTS

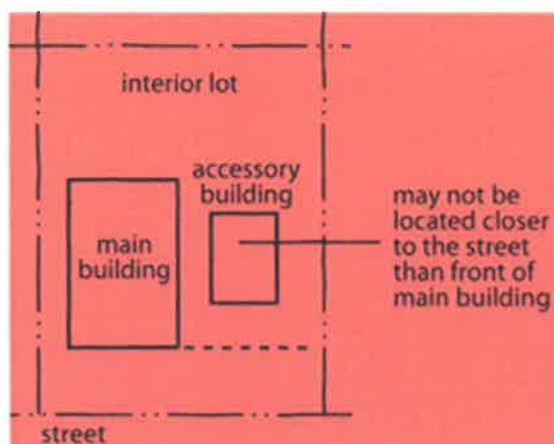
- A. No building or other structure shall be erected, altered, or moved, nor shall any land or building be used, designed or intended to be used for any purpose or in any manner other than is included among the uses hereinafter listed as permitted in the district in which such structure or land is located, except that any structure may be removed from any property.
- B. No building or other structure shall be erected or added to, so as to exceed in height the limit hereinafter designated for the district in which **the building or other structure is** located, whether such height be designated in stories, number of feet, or otherwise.
- C. No building or other structure shall be erected or added to in such **a** manner as to encroach upon or reduce any open space, ~~yard-setback requirement~~, lot area, or parking area as is hereinafter designated for the district in which such **building or** structure ~~or open space~~ is located. **A BUILDING OR STRUCTURE MAY ONLY ENCROACH INTO A REQUIRED YARD SETBACK REQUIREMENT SUBJECT TO APPROVAL OF A VARIANCE OR ADMINISTRATIVE VARIANCE ACCORDING TO THE PROVISIONS OF SECTION 101.3.H AND SECTION 101.3.A RESPECTIVELY.** No yard or other space on one lot shall be considered as providing a yard or open space for a structure on any other lot.
- D. No building or structure shall be erected, constructed, reconstructed, altered, maintained or used in such a manner that the life, health, property or safety of the public or its occupants are endangered. This includes, but is not limited to, a building or structure or portion thereof:
 - 1. In which the means of exit does not provide safe and adequate means of egress in case of fire or panic;
 - 2. In such a condition that it is likely to partially or completely collapse;
 - 3. That is manifestly unsafe for the purpose for which it is being used;
 - 4. That is used or intended for use as a dwelling and is determined by ~~the~~ **a County** **BUILDING OFFICIAL OR** Health Official to be unfit for human habitation or in such a condition that it is likely to cause sickness or disease;
 - 5. **THAT IS AN OTHERWISE HABITABLE STRUCTURE THAT IS UNSECURED;**
 - 6. That is determined by the Fire Marshall to be a fire hazard.
- E. No property or use ~~OF A PROPERTY~~ shall be operated or maintained in such a manner as to be a fire and/or explosion hazard; no property or use ~~OF A PROPERTY~~ shall be allowed to emit ~~toxic~~ fumes or **THE STORAGE OF** ~~generate~~ toxic waste **UNLESS APPROVED BY THE STATE;** neither shall there be emitted into the atmosphere smoke, soot, dust, radiation, odor, ~~noise,~~ **or the**



creation of noise, vibration, heat, or glare to such an extent as to constitute a nuisance; no property or use of a property shall be operated or maintained **FOR THE OUTSIDE STORAGE OF** ~~to store junk~~ or in such a manner as to be deemed a junk yard, unless permitted within a specific zoning district.

F. Accessory uses and structures for residential property

1. Setbacks for an exempt structure shall be the same as those established for non-exempt structures except that the applicant can apply for an **Administrative Variance** to reduce the setback to no less than three feet from the **A** side and **OR** rear ~~setback requirements~~ **PROPERTY LINE**.
2. No accessory structure ~~or use shall be placed in the front yard setback~~ **SHALL ENCROACH INTO THE REQUIRED FRONT YARD EXCEPT THAT AN APPLICANT CAN APPLY FOR AN ADMINISTRATIVE VARIANCE TO REDUCE THE REQUIRED FRONT YARD AS SPECIFIED IN THE ZONING DISTRICT IN WHICH A PROPERTY IS LOCATED. THE AMOUNT AN ACCESSORY STRUCTURE CAN ENCROACH INTO THE FRONT YARD SHALL BE DEPENDENT UPON CONDITIONS SPECIFIC TO A PROPERTY AS LISTED IN SECTION 101.3.A.1 – ADMINISTRATIVE VARIANCE.**
3. Accessory uses ~~or structures~~ may be established without the principle or primary use through the use permit process where it can be clearly established that the ~~structure or use~~ will not be a nuisance to surrounding neighbors or negatively impact the neighborhood.
4. **ACCESSORY STRUCTURES MAY BE ESTABLISHED WITHOUT THE PRINCIPAL OR PRIMARY STRUCTURE THROUGH THE ADMINISTRATIVE VARIANCE PROCESS WHERE IT CAN BE CLEARLY ESTABLISHED THAT THE STRUCTURE WILL NOT BE A NUISANCE TO SURROUNDING NEIGHBORS OR NEGATIVELY IMPACT THE NEIGHBORHOOD.**



THIS IMAGE WILL BE DELETED.

- G. No structure shall be removed from any property without a demolition permit that considers life safety issues for hazardous materials such as asbestos and lead paint.